

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3 IN THE MATTER OF: * EB DOCKET NO. 08-85
4 BUSINESS OPTIONS, INC., * FILE NO. EB-02-TC-151
5 ORDER TO SHOW CAUSE AND * NAL ACCOUNT NUMBER:
6 NOTICE OF OPPORTUNITY * 30033217002
7 FOR HEARING * FRN: 0007179054

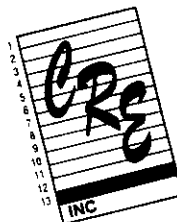
8 * * * * *

9 DEPOSITION OF:

10 **ELIZABETH ROSAS,**

11 was taken July 15, 2003, commencing at 3:45 p.m.,
12 at the LaQuinta Inn, 8210 Louisiana Street,
13 Merrillville, Indiana, before Donna J. Hannah,
14 Notary Public.

15 * * * * *



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1 APPEARANCES:

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3 On behalf of the BUSINESS OPTIONS:

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8 On behalf of the FCC:

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EXAMINATION BY:

PAGE:

Mr. Shook

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(NO EXHIBITS MARKED.)

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1 P-R-O-C-E-E-D-I-N-G-S

2 WHEREUPON --

3 ELIZABETH ROSAS,

4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SHOOK:

9 Q. Would you state your full name for the
10 record, please.

11 A. Elizabeth Ontiveros Rosas.

12 COURT REPORTER: Could you speak up a
13 little bit, please.

14 A. Elizabeth Ontiveros Rosas.

15 Q. I think what the court reporter has in
16 mind is because it's not only being taped --

17 A. Okay.

18 Q. -- but that she's taking everything
19 down, that you try to speak a little more loudly.

20 A. Okay. I will.

21 Q. So don't be afraid; I won't bite.

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1 A. Okay.

2 Q. Could you state your residential
3 address, please.

4 A. 6703 New Hampshire Avenue, Hammond,
5 Indiana, 46323.

6 Q. And your work address?

7 A. 8380 Louisiana Street, Merrillville,
8 Indiana.

9 Q. Currently, what is the name of your
10 employer?

11 A. Buzz Telecom.

12 Q. How long have you worked for Buzz
13 Telecom?

14 A. Three years.

15 Q. The reason I asked the question in
16 that fashion is because it is my understanding
17 that Buzz Telecom did not even come into
18 existence until the year 2002.

19 A. Right. That's why I hesitated.

20 Q. Okay.

21 A. So 2002 up until now. But before

1 Buzz, it was Business Options.

2 Q. Business Options.

3 A. And several other names that we were
4 under.

5 Q. Right. That's one of the things that
6 I want to try to clarify.

7 A. Okay.

8 Q. So at this point in time when you
9 receive a paycheck, it is from Buzz Telecom?

10 A. Buzz Telecom, yes.

11 Q. Before Buzz Telecom came into
12 existence, do you remember the entity's name that
13 appeared on your paycheck?

14 A. Before Buzz Telecom, it was U.S. Bell.

15 Q. And was that the case from the first
16 time you started to work at 8380 Louisiana
17 Street?

18 A. Yes.

19 Q. As far as that goes, when did you
20 start to work for, first, U.S. Bell and then Buzz
21 Telecom?

1 A. First, U.S. Bell?

2 Q. Right. When were you hired?

3 A. Oh. In March of 2000.

4 Q. March of 2000?

5 A. Yes.

6 Q. What position were you hired for?

7 A. Programmer. That was the title that I
8 came in under for the MIS Department.

9 Q. Could you give me a rough idea what
10 the programmer's job duties were?

11 A. I came in working on creating
12 databases, creating queries, running reports,
13 handling their call records. Basically, database
14 information.

15 Q. Would one such database be, for
16 example, how many states Business Options was
17 selling products in?

18 A. It would be the customer base,
19 containing our customers' names, their addresses,
20 their telephone numbers.

21 Q. Would one such database be customer

1 names broken out by state?

2 A. They were never broken down by state.

3 Q. Okay. How would you break out
4 customers into smaller groups?

5 A. Depending on what queries I was asked
6 to run or what queries I ran for my own
7 information, I could run them by state; I could
8 run them by last name, by telephone numbers.

9 Q. Would such a query have been made in
10 terms of the amount of money that particular
11 customers paid in for a particular month?

12 A. No. Because at that time, we were
13 only LEC billing. We weren't direct billing, so
14 we never received any of their payments.

15 Q. Did there come a time when you did
16 begin to direct bill?

17 A. Just recently, when we got our new
18 software.

19 Q. Approximately how long ago was that?

20 A. A year and a half, approximately.

21 Q. About the time Buzz Telecom came into

1 existence?

2 A. Maybe a little bit more.

3 Q. Now, we have been told that the
4 product that is being sold, if you will, is
5 Business Options. That's the service. But when
6 the money comes in, it currently goes to an
7 entity called Avatar. Are you aware of that?

8 A. Yes, I am.

9 Q. Do you have any knowledge as to why
10 that is done?

11 A. The way I understand it is that it
12 comes to Avatar, and Avatar distributes it. We
13 pay them a percentage for their fees, and we get
14 the rest back.

15 Q. When you say "we," do you mean Buzz
16 Telecom?

17 A. Buzz, exactly.

18 Q. Prior to Avatar coming into existence,
19 how was money distributed when it came into the
20 companies?

21 A. That, I don't know.

1 Q. That, you don't know?

2 A. No.

3 Q. We've received information to the
4 effect that Business Options products are sold in
5 about 46 states. Would that comport with your
6 understanding?

7 A. Yes.

8 Q. To put it another way, do you know
9 which states you are not in?

10 A. No, I couldn't answer that.

11 Q. Did you have anything to do with an
12 entity called Crusade Communications?

13 A. No.

14 Q. We have been told that there are seven
15 basic divisions within the Avatar/Buzz/Business
16 Options family of companies.

17 A. Yes.

18 Q. Do you know which division you are in?

19 A. I am in charge of three of the
20 divisions: Divisions three, four and five.

21 Q. What is division three?

1 A. Treasury.

2 Q. What is it that treasury is
3 responsible for?

4 A. Accounts receivable, accounts payable,
5 payroll, income and RAM, which is basically
6 files, supplies, the server room -- taking care
7 of the server room.

8 Q. So in the first instance, you would
9 receive information in terms of how much money
10 was coming in on a weekly basis?

11 A. Yes.

12 Q. And that's money that right now goes
13 to Avatar to distribute?

14 A. Exactly.

15 Q. And we also understood that within
16 each division, there were three sub-units. I
17 believe the word "department" was used.

18 A. Department, right.

19 Q. Are there individuals who head up the
20 three departments that exist in division three?

21 A. Currently there is a treasury manager,

1 who is in charge of the entire division; and we
2 only have a director, one person below her.

3 Q. And who are those people?

4 A. The treasury manager would be Rebecca
5 Irwin. And then the director of disbursements
6 would be Lisa Norman.

7 Q. Lisa Norman would be the person who
8 signs the checks?

9 A. Yes.

10 Q. Now, with respect to division four,
11 what is that?

12 A. Delivery. It entails customer
13 service; tech services, which is basically
14 getting the customers into our database; and the
15 department of win-back.

16 Q. Who are the individuals in charge of
17 those various departments?

18 A. Shalanda Robinson is the manager for
19 the entire division; Violet Davidson is the
20 director of customer service; Alicia Felds is the
21 director of tech services; and currently we don't

1 have a director of win-back.

2 Q. With respect to Shalanda, did you have
3 anything to do with her hiring?

4 A. No.

5 Q. Was she in place before you arrived?

6 A. Yes.

7 Q. How long has it been since you have
8 been her supervisor?

9 A. Maybe two and a half years.

10 Q. With respect to division five, what is
11 that?

12 A. That is our qual division --
13 qualifications.

14 Q. And could you explain what that means?

15 A. That's broken down into personnel
16 enhancement and corrections.

17 Q. Corrections, meaning if somebody does
18 something that they are not supposed to do,
19 something happens?

20 A. Basically, just show them what our
21 policies are. And if they are doing something

1 wrong, show them, "Okay. This is how it's
2 supposed to be done." Kind of just let them
3 know. We don't handle them if they do it again
4 or if they do it wrong again, no. We just show
5 them, "This is the way it should be."

6 Q. Do you have a role as a corporate
7 officer of Buzz Telecom?

8 A. No.

9 Q. Have you ever had a role as a
10 corporate officer?

11 A. No.

12 Q. Have you ever been a director of Buzz
13 Telecom?

14 A. No.

15 Q. Have you ever had a corporate
16 officer's role in Business Options?

17 A. No.

18 Q. Have you ever been a director of
19 Business Options?

20 A. No.

21 Q. Have you ever had a corporate officer

1 role with U.S. Bell?

2 A. No.

3 Q. Have you ever been a director of U.S.
4 Bell?

5 A. No.

6 Q. Did you have any role in the
7 establishment of Buzz Telecom?

8 A. No.

9 Q. Do you have any knowledge as to why
10 Buzz Telecom was established?

11 A. No.

12 Q. Do you have any knowledge as to why
13 basically the employees that used to be U.S. Bell
14 are now Buzz Telecom? And what I am leading to
15 is why did U.S. Bell essentially disappear?

16 A. From what I understood, U.S. Bell, the
17 name wasn't researched, and there was a problem
18 with using the word "Bell" in our name.

19 Q. Do you have any role in the
20 preparation of the telemarketing scripts?

21 A. No.

1 Q. Do you have any role in the
2 preparation of the verification scripts?

3 A. To an extent.

4 Q. What role is that?

5 A. I just basically revise them for
6 typos, to make sure they make sense, and I hand
7 them out. Because I was in charge of handing
8 them out to the director of verifications.

9 Q. Who is the director of verifications?

10 A. Currently, there is nobody. It's an
11 outside company that does our verifications.

12 Q. We understand that the current
13 verification company that is being used is called
14 "The Verification Company?"

15 A. The Verification Company, yes.

16 Q. Prior to use of The Verification
17 Company, do you know what verification company
18 was used?

19 A. F&G Verification.

20 Q. I'm sorry?

21 A. F&G Verification.

1 Q. Do you know what the "F" stands for?

2 A. No.

3 Q. Do you know what the "G" stands for?

4 A. No.

5 Q. Where was that entity located?

6 A. 8375 Louisiana Street, I believe.

7 Q. Would it be fair to say that the
8 office was adjacent to that of Buzz Telecom?

9 A. Yes.

10 Q. Do you know whether or not Buzz
11 Telecom and F&G had common employees?

12 A. Why they did?

13 Q. No. No, if they did.

14 A. Yes.

15 Q. And do you know who those employees
16 were?

17 A. Ida Irizarry, and there were others.
18 But she was the director.

19 Q. And then you led me to the my next
20 question of why. Why were there common employees
21 between Buzz Telecom and F&G?

1 A. That, I don't know.

2 Q. Does the name William Brzycki mean
3 anything to you?

4 A. Yes.

5 Q. And how is it that you are familiar
6 with that name?

7 A. When I started, he was the vice
8 president of administration for Business Options.

9 Q. Did there come a time when he was no
10 longer vice president of administration?

11 A. Yes.

12 Q. Do you know how that came about?

13 A. No.

14 Q. Do you know why that came about?

15 A. No.

16 Q. Do you know who, if anyone, became
17 vice president of administration after Mr.
18 Brzycki?

19 A. There was a gap, and then Gene Chill.

20 Q. Is he still the vice president of
21 administration?

1 A. No.

2 Q. What happened to Mr. Chill?

3 A. I don't know what happened. He is no
4 longer with us. I don't know what happened.

5 Q. Is there somebody that took over for
6 him as vice president of administration?

7 A. No.

8 Q. When you were hired by U.S. Bell, do
9 you recall who it was that hired you?

10 A. Keanan Kintzel.

11 Q. Was there anybody else involved in
12 that hiring process, to your knowledge?

13 A. I was interviewed by Bill Brzycki, but
14 I think the final say was Keanan's.

15 Q. And as I understand it, you have been
16 promoted one or more times in the meantime?

17 A. Once.

18 Q. Once?

19 A. Uh-huh.

20 Q. So you went from programmer to your
21 current job title?

1 A. Yes.

2 Q. Do you know who it was that was
3 involved in deciding whether or not you should be
4 promoted?

5 A. No.

6 Q. Do you have any knowledge as to any
7 policy or procedure that exists with respect to a
8 customer complaining that his long-distance
9 service had been changed without his
10 authorization?

11 A. I know -- can you repeat the question?

12 Q. Okay. I was asking whether you knew
13 what, if any, policy or procedure existed with
14 respect to handling a complaint that came in from
15 a customer that claimed his long-distance service
16 was changed without his authorization.

17 A. Obviously, it's different with each
18 customer. But they would be canceled, and they
19 would offer them credit for their usage.

20 Q. Do you have any knowledge as to
21 roughly how often this happened, say, over the

1 course of a month?

2 A. No, I couldn't give you a number.

3 Q. Do you maintain any statistics on how
4 often customer complaints like that came in over,
5 say, the last year?

6 A. Customer service does keep a lot of
7 their incoming calls. I don't know how long they
8 keep them.

9 Q. Do you know who at customer service
10 would be responsible for maintaining such a log?

11 A. Who in customer service?

12 Q. Yes.

13 A. The director, Violet -- Violet
14 Davidson.

15 Q. Davidson?

16 A. Yes.

17 Q. Do you have any -- no, let me start
18 again.

19 Does the name, Shannon Dennie, mean
20 anything to you?

21 A. Yes.

1 Q. How is it that you are familiar with
2 that name?

3 A. She is in charge of corporate affairs.

4 Q. Do you have any day-to-day working
5 relationship with her?

6 A. No. Here and there. But not
7 day-to-day, no.

8 Q. Are you familiar with the name, Lisa
9 Green?

10 A. Yes.

11 Q. How is it that you know that name?

12 A. She is Shannon's assistant.

13 Q. Shannon's assistant?

14 A. From how I see it, yes.

15 Q. Do you have any interaction with Lisa
16 at the workplace?

17 A. No, barely any.

18 Q. With respect to your responsibilities,
19 who, if anyone, do you report to?

20 A. I report to Gayle and/or Keanan.

21 Q. And who is Gayle?

1 A. Gayle Perry, she is a step below the
2 president, which is Keanan, the corporate
3 officer.

4 Q. And what is it that you would report
5 to Keanan?

6 A. Basically how my divisions are running
7 on a weekly basis. If I run into snags and I
8 need help, I go to Gayle or Keanan.

9 Q. Are these reports oral in nature, or
10 are they in writing?

11 A. They are in writing. Pretty much
12 graphs and stats.

13 Q. So a typical weekly set of reports
14 would include what?

15 A. Would include how much money went out,
16 how much money came in, concerning our
17 direct-billing, how our customer base is growing.
18 You know, the numbers -- how many people were on
19 cord, how many completed cord; things of that
20 nature.

21 Q. Speaking of customer-base, roughly how

1 many customers does Business Options have?

2 A. I believe we are at approximately
3 42,000.

4 Q. And how long has it been that you have
5 been responsible for the database that would
6 reveal how many customers you have?

7 A. Basically since I started.

8 Q. Is the 42,000 figure -- and I
9 recognize that is's an approximate. I'm not
10 going to hold you to an exact number.

11 A. Okay.

12 Q. Has that number increased or decreased
13 during the period of time in which you have been
14 at U.S. Bell/Buzz?

15 A. It has fluctuated. It's decreased
16 currently.

17 Q. What was the high water mark, roughly?

18 A. 51,000 or 52,000.

19 Q. So 51,000 or 52,000?

20 A. Right.

21 Q. And approximately when was that the

1 case?

2 A. Oh, I couldn't tell you. Maybe eight
3 or nine months ago.

4 Q. Are you familiar with the document
5 called a tariff?

6 A. No.

7 Q. So in other words, it would be fair to
8 say that you don't have any role in the
9 preparation of the tariff?

10 A. No.

11 Q. You wouldn't have any role in terms of
12 inputting information into a tariff?

13 A. No.

14 Q. Did there come a time when you became
15 aware that the state of Vermont had a problem
16 with how Business Options, Inc. was doing
17 business?

18 A. Yes.

19 Q. Approximately when did that come to
20 your attention?

21 A. I couldn't tell you that.

1 Q. Do you recall what, if anything, was
2 brought to your attention in terms of why the
3 state of Vermont had a problem?

4 A. No.

5 Q. Do you have any knowledge as to how
6 the problem with the state of Vermont was
7 resolved?

8 A. No.

9 Q. Do you have any knowledge as to
10 whether or not Business Options still has
11 customers in the state of Vermont?

12 A. I don't think we do. Because I am the
13 one in charge of running the numbers, and I break
14 it down by state now. So, no, I don't believe we
15 have any active.

16 Q. Do you know approximately how long ago
17 it was that Business Options stopped having
18 customers in the state of Vermont?

19 A. No.

20 Q. I am placing before you a document
21 that has as a title, "Final Stipulation for